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FILED

2007 NOV 20 PM 4:10

**CLERK US DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

BY CJ DEPUTY

5 Attorneys for Plaintiff, JOHN ESPINOZA

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA**

11 JOHN ESPINOZA, an individual,

CASE N° 07 CV 2218 LAB (RBB)

*Plaintiff,*

-VS-

15 CITY OF IMPERIAL, a public entity; and  
DOES 1 through 50, inclusive,

### *Defendants.*

## **COMPLAINT FOR DAMAGES FOR:**

- 1) DISABILITY DISCRIMINATION  
UNDER THE UNITED STATES A.D.A.;**
  - 2) FAILURE TO ACCOMMODATE;**
  - 3) RETALIATION [42 U.S.C. §12203 et seq.]**

ORIGINAL

Plaintiff JOHN ESPINOZA hereby alleges as follows:

## **GENERAL ALLEGATIONS**

1. Plaintiff is, and at all relevant times was, an adult male residing in the County of Imperial, California. Plaintiff, after dissolution of marriage from his first wife, was single, residing with his girlfriend, in the County of Imperial, California.

2. Plaintiff was employed by Defendants in Imperial County, California, beginning in or about 2002, and the Defendants' conduct, hereinafter alleged, occurred in said County and State.

3. Plaintiff is informed and believes and on that basis alleges that Defendant CITY OF IMPERIAL (hereinafter "CITY" or "IMPERIAL") is, and at all times relevant to this action was, a municipality organized under the laws of the State of California, with its principal place of business in Imperial County, California, and with the capacity to sue and be sued.

4. Plaintiff is unaware of the true names, capacities, or basis for liability of Defendants, DOES 1 through 50, inclusive, and therefore sues said Defendants by their fictitious names. Plaintiff will amend this complaint to allege their true names, capacities, or basis for liability when the same has been ascertained. Plaintiff is informed and believes and thereon alleges that Defendants, DOES 1 through 50, inclusive, and each of them, are in some manner liable to Plaintiff, or have participated in the acts alleged in this complaint to have been done by the named Defendants.

5. At all times relevant to this action, each Defendant, including those fictitiously named, was the agent, servant, employee, partner, joint venturer, or surety of the other Defendants and was acting within the scope of said agency, employment, partnership, venture, or suretyship, with the knowledge and consent or ratification of each of the other Defendants in doing the things alleged herein. Each individual Defendant herein, acted in its ministerial

1 capacity in doing the acts and omissions complained of, pursuant to mandatory duties.

2  
3       6. Plaintiff ESPINOZA was hired by Defendant IMPERIAL as a duly qualified  
4 Police Officer in or about 2002. Plaintiff worked for Defendant IMPERIAL for approximately 5  
5 years, during which time he consistently performed his job duties in an exemplary manner.  
6 Plaintiff was a valuable employee for IMPERIAL.

7

8       7. At all times relevant to this action, Plaintiff was active in his employees' union,  
9 the Imperial Police Officers Association. Plaintiff has served as President of the Imperial Police  
10 Officers Association. Plaintiff, as President of the Association and as a member, participated in  
11 lawful union activity, which included, among other things, political opposition to CITY Police  
12 Department practices and policies.

13

14       8. Plaintiff worked continuously for Defendants until approximately July 2006,  
15 when he requested paternity leave to care for his newborn daughter. Shortly thereafter Plaintiff  
16 was wrongfully required, on pain of termination, by CITY, to undergo an unwarranted  
17 psychological examination. Thereafter, CITY perceived Plaintiff to be mentally disabled and, on  
18 that pretext, placed Plaintiff on leave. Plaintiff obtained a release to return to work by a duly  
19 qualified clinical psychologist, but CITY refused to allow Plaintiff back to work and terminated  
20 Plaintiff on or about June 22, 2007.

21

22       9. Defendants perceived Plaintiff as having mental disabilities and/or medical  
23 conditions caused by performing his work. Alternatively, Defendants perceived Plaintiff to have  
24 non-industrial disabilities and/or medical conditions.

25

26       10. Plaintiff ESPINOZA was able to perform the essential job duties of a CITY  
27 position with or without reasonable accommodation for his perceived condition.

28

1       11. Defendants refused to attempt to accommodate Plaintiff and failed to  
2 accommodate Plaintiff.

3  
4       12. Defendants subjected Plaintiff to hostile work environment, harassment, and  
5 several adverse employment actions, affecting the terms, conditions and privileges of Plaintiff's  
6 employment. On information and belief, Defendants took adverse action against Plaintiff,  
7 among other things, in retaliation for his marital status (single, cohabitating), his requesting  
8 lawful paternity leave, his participation in lawful union activity, his exercise of First Amendment  
9 rights, and/or lawful political participation.

10

### FIRST CAUSE OF ACTION

#### **(Disability/Medical Condition Discrimination Under Americans With Disabilities Act)**

14       13. Plaintiff incorporates each allegation set forth in paragraphs 1 through 12.

15  
16       14. A charge of employment discrimination on the basis of disability was filed with  
17 the Equal Employment Opportunity Commission ("EEOC") within 180 days of the commission  
18 of the unlawful employment practices alleged herein.

19

20       15. A Notification of Right to Sue was received from the EEOC on or about August  
21 2007. This Complaint has been filed within 90 days of receipt of the EEOC'S Notification of  
22 Right to Sue.

23

24       16. Plaintiff JOHN ESPINOZA is a citizen of the United States and of the State of  
25 California.

26

27       17. All the discriminatory employment practices alleged herein were committed  
28 within the State of California.

1       18. Defendant CITY OF IMPERIAL is a "person" within the meaning of §101(7) of  
2 the ADA, 42 U.S.C. §12111(7), and §701 of Title VII of the Civil Rights Act of 1964, 42 U.S.C.  
3 §2000e.

4

5       19. Defendant CITY OF IMPERIAL is engaged in an "industry affecting commerce"  
6 within the meaning of §101(7) of the ADA, 42 U.S.C. §12111(7), and §701 of Title VII of the  
7 Civil Rights Act of 1964, 42 U.S.C. §2000e.

8

9       20. Defendant CITY OF IMPERIAL employs 15 or more employees and is an  
10 "employer" within the meaning of Section 101(5)(A) of the ADA, 42 U.S.C. §12111(5)(A).

11

12       21. Plaintiff is regarded as an individual with a "disability" within the meaning of  
13 Section 3(2) of the Americans with Disabilities Act, 42 U.S.C. §12102(2). Plaintiff has a record  
14 of perceived mental impairment, and is regarded by CITY as having such an impairment.

15

16       22. Plaintiff is a "qualified individual with a disability" as defined in §101(8) of the  
17 ADA, 42 U.S.C. §12111(8). Plaintiff is an individual with a perceived disability who, with  
18 reasonable accommodation, or other reasonable restriction, can perform the essential functions of  
19 a position with the CITY.

20

21       23. In discriminating against Plaintiff on the basis of disability, CITY acted with  
22 malice or with reckless indifference to the federally protected rights of Plaintiff

23

24       24. Plaintiff's medical condition, or perceived medical condition, was a reason for  
25 Defendants' decision and conduct in depriving him of his employment or taking of other adverse  
26 employment action against him.

27

28       25. As a direct and proximate result of CITY'S discrimination on the basis of

1 disability, Plaintiff has suffered lost wages and benefits and lost employment opportunities.

2  
3 26. Defendants' discrimination against Plaintiff has caused, continues to cause, and  
4 will cause, Plaintiff to suffer substantial damages, pecuniary losses, mental anguish, loss of  
5 enjoyment of life, and other non-pecuniary losses.

6  
7 27. Defendants' conduct was a substantial factor in causing injury, damage, loss, and  
8 harm to Plaintiff.

9  
10 **SECOND CAUSE OF ACTION**

11 **(Failure to Accommodate Under Americans With Disabilities Act)**

12  
13 28. Plaintiff incorporates each allegation set forth in paragraphs 1 through 27.

14  
15 29. Despite Plaintiff's request, CITY OF IMPERIAL has failed to provide reasonable  
16 accommodation for Plaintiff's mental condition or perceived mental condition.

17  
18 30. CITY'S failure to make reasonable accommodation constitutes discrimination  
19 against Plaintiff with respect to the terms, conditions, or privileges of employment. CITY'S  
20 actions constitute a violation of Section 102(b)(5)(A) of the ADA, 42 U.S.C. §12112(b)(5)(A).

21  
22 31. CITY has failed to undertake any good faith efforts, in consultation with Plaintiff,  
23 to identify and make a reasonable accommodation with Plaintiff.

24  
25 32. In failing to make reasonable accommodation to Plaintiff's physical disability,  
26 CITY acted with malice or with reckless indifference to the federally protected rights of Plaintiff.

27  
28 33. As a direct and proximate result of CITY'S discrimination on the basis of

1 disability, Plaintiff has suffered lost wages and benefits and lost employment opportunities.

2  
3 34. Defendants' failure to make reasonable accommodation to Plaintiff has caused,  
4 continues to cause, and will cause, Plaintiff to suffer substantial damages, pecuniary losses,  
5 mental anguish, loss of enjoyment of life, and other non pecuniary losses.

6  
7 35. Defendants' conduct was a substantial factor in causing injury, damage, loss, and  
8 harm to Plaintiff.

9  
10 **THIRD CAUSE OF ACTION**

11 **(Retaliation Under 42 U.S.C. §12203 et seq.)**

13 36. Plaintiff incorporates each allegation set forth in paragraphs 1 through 35.

14  
15 37. Plaintiff engaged in protected activities, while employed as a Police Officer for  
16 CITY OF IMPERIAL.

17  
18 38. CITY OF IMPERIAL subjected Plaintiff to unwarranted adverse employment  
19 action.

20  
21 39. CITY OF IMPERIAL, in subjecting Plaintiff to unwarranted adverse employment  
22 action, Defendants acted with retaliatory intent. CITY'S actions constitute retaliation against  
23 Plaintiff with respect to the terms, conditions, or privileges of employment. CITY'S actions  
24 constitute a violation of Section 503 of the ADA, 42 U.S.C. §12203.

25  
26 40. In retaliating against Plaintiff for protected status and/or protected activity, CITY  
27 acted with malice or with reckless indifference to the federally protected rights of Plaintiff.

28

1       41.     As a direct and proximate result of CITY'S unlawful retaliation, Plaintiff has  
2 suffered lost wages and benefits and lost employment opportunities.

3  
4       42.     Defendants' unlawful retaliation against Plaintiff has caused, continues to cause,  
5 and will cause, Plaintiff to suffer substantial damages, pecuniary losses, mental anguish, loss of  
6 enjoyment of life, and other non pecuniary losses.

7  
8       43.     Defendants' conduct was a substantial factor in causing injury, damage, loss, and  
9 harm to Plaintiff.

10  
11      44.     As a direct and proximate result of Defendants' actions, Plaintiff has lost his  
12 salary, title, and benefits attendant to employment. Plaintiff has lost participation in trade and  
13 professional groups and has suffered serious injury, including, but not limited to, extreme  
14 embarrassment, humiliation, anxiety, ridicule, physical upset, and emotional distress. The full  
15 extent of Plaintiff's injuries is not known at this time, but Plaintiff will amend this Complaint to  
16 set forth the full nature and extent of Plaintiff's damages once they have been ascertained with  
17 particularity.

18  
19      45.     In acting as is alleged in this Complaint, Defendants acted knowingly, willfully,  
20 and maliciously, and with reckless and callous disregard for Plaintiff's rights protected by the  
21 United States Constitution and the California Constitution.

22  
23 **WHEREFORE**, Plaintiff prays:

- 24
- 25      1. For judgment of this Court against Defendants, finding and holding that Plaintiff has  
26 suffered from Defendants' acts of discrimination on the basis of disability;  
27      2. For judgment of this Court against Defendants, finding and holding that Plaintiff has  
28 suffered from Defendants' acts of retaliation against Plaintiff;

- 1       3. For an order that Defendants reasonably accommodate Plaintiff;
- 2       4. For an order enjoining Defendants from any further prohibited discrimination and/or  
3           retaliation against Plaintiff;
- 4       5. For compensatory damages, including back pay, front pay, employment benefits, and  
5           other special damages according to proof;
- 6       6. For general damages to compensate Plaintiff for his injuries;
- 7       7. For exemplary and punitive damages according to proof;
- 8       8. For prejudgment interest on all damages awarded under Civil Code §3287 or any other  
9           applicable statute or legal principle;
- 10      9. For reasonable attorney fees under any applicable statute or legal principle;
- 11      10. For costs of suit incurred; and
- 12      11. For such other and further relief as the Court may deem just and proper.

13

14

LAW OFFICES OF VINCENT J. TIEN

15

16 Dated: November 19, 2007

17 By: \_\_\_\_\_

VINCENT J. TIEN, Attorneys for Plaintiff, JOHN  
ESPINOZA

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## VERIFICATION

**STATE OF CALIFORNIA, COUNTY OF ORANGE**

I have read the foregoing: **COMPLAINT FOR DAMAGES FOR: 1) DISABILITY DISCRIMINATION UNDER THE UNITED STATES A.D.A.; 2) FAILURE TO ACCOMMODATE; 3) RETALIATION [42 U.S.C. §12203 et seq.],** and know its contents.

**CHECK APPLICABLE PARAGRAPH**

- [X] I am a party to this action. The matters stated in it are true of my own knowledge except as to matters which are stated on information and belief, and as to those matters I believe them to be true.

[ ] I am \_\_\_\_\_ of \_\_\_\_\_, a party to this action, and am authorized to make this verification for and on its behalf, and I make this verification for that reason. I have read the foregoing document and know its contents. I am informed and believe that the matters stated therein are true.

[ ] I am one of the attorneys for \_\_\_\_\_, a party to this action. Such party is absent from the county of aforesaid where such attorneys have their offices, and I make this verification for and on behalf of that party for that reason. I have read the foregoing document and know its contents. I am informed and believe and on that ground allege that the matters stated in it are true.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on November 20, 2007, at Tustin, California.

[ SEE ATTACHED FACSIMILE ]

**JOHN ESPINOZA, Declarant**

## VERIFICATION

3 STATE OF CALIFORNIA, COUNTY OF ORANGE

4 I have read the foregoing: **COMPLAINT FOR DAMAGES FOR: 1) DISABILITY**  
**DISCRIMINATION UNDER THE UNITED STATES A.D.A.; 2) FAILURE TO**  
5 **ACCOMMODATE; 3) RETALIATION [42 U.S.C. §12203 et seq.], and know its contents.**

**7 | CHECK APPLICABLE PARAGRAPH**

- 8 [X] I am a party to this action. The matters stated in it are true of my own knowledge  
9 except as to matters which are stated on information and belief, and as to those  
matters I believe them to be true.

10 [ ] I am \_\_\_\_\_ of \_\_\_\_\_, a party to  
11 this action, and am authorized to make this verification for and on its behalf, and I make  
this verification for that reason. I have read the foregoing document and know its  
12 contents. I am informed and believe that the matters stated therein are true.

13 [ ] I am one of the attorneys for \_\_\_\_\_, a party to this  
14 action. Such party is absent from the county of aforesaid where such attorney have their  
offices, and I make this verification for and on behalf of that party for that reason. I have  
read the foregoing document and know its contents. I am informed and believe and on  
that ground allege that the matters stated in it are true.

I declare under penalty of perjury under the laws of the United States of America and the State of California that the foregoing is true and correct.

Executed on November 20, 2007, at Tustin, California.

  
JOHN ESPINOZA, Detective

UNITED STATES  
DISTRICT COURT  
SOUTHERN DISTRICT OF CALIFORNIA  
SAN DIEGO DIVISION

# 144714 - SH  
\* \* C O P Y \* \*  
November 20, 2007  
15:12:08

Civ Fil Non-Pris  
07-02218

Judge..: LARRY A BURNS  
Amount.: \$350.00 CK  
Check#.: BC284768

Total-> \$350.00

FROM: ESPINOZA V. CITY OF IMPERIAL

JS 44 (Rev. 11/04)

**CIVIL COVER SHEET**

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

**I. (a) PLAINTIFFS**

JOHN ESPINOZA

(b) County of Residence of First Listed Plaintiff **IMPERIAL COUNTY**  
(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

LAW OFFICES OF VINCENT J. TIEN, 17291 Irvine Blvd., Suite 150,  
Tustin, CA 92780, (714) 544-8436**DEFENDANTS**

CITY OF IMPERIAL

2007 NOV 20 PM 4:10

CLERK US DISTRICT COURT  
SOUTHERN IMPERIAL COUNTY

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
LAND INVOLVED.

Attorneys (Checkmark)

07 CV 2218 LAB (RBB)

**II. BASIS OF JURISDICTION** (Place an "X" in One Box Only)

- |  |   |
|--|---|
| <input type="checkbox"/> 1 U.S. Government Plaintiff | <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party)  |
| <input type="checkbox"/> 2 U.S. Government Defendant | <input type="checkbox"/> 4 Diversity<br>(Indicate Citizenship of Parties in Item III) |

**III. CITIZENSHIP OF PRINCIPAL PARTIES** (Place an "X" in One Box for Plaintiff  
(For Diversity Cases Only) and One Box for Defendant)

Citizen of This State	PTF	DEF	PTF	DEF
<input checked="" type="checkbox"/> 1	<input type="checkbox"/>	<input type="checkbox"/> 1	<input type="checkbox"/>	<input checked="" type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/>	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5 <input checked="" type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/>	Foreign Nation	<input type="checkbox"/> 6 <input type="checkbox"/> 6

**IV. NATURE OF SUIT** (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 610 Agriculture	<input type="checkbox"/> 422 Appeal 28 USC 158	<input type="checkbox"/> 400 State Reapportionment
<input type="checkbox"/> 120 Marine	<input type="checkbox"/> 310 Airplane	<input type="checkbox"/> 620 Other Food & Drug	<input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 410 Antitrust
<input type="checkbox"/> 130 Miller Act	<input type="checkbox"/> 315 Airplane Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881	<input type="checkbox"/> PROPERTY RIGHTS	<input type="checkbox"/> 430 Banks and Banking
<input type="checkbox"/> 140 Negotiable Instrument	<input type="checkbox"/> 320 Assault, Libel & Slander	<input type="checkbox"/> 630 Liquor Laws	<input type="checkbox"/> 820 Copyrights	<input type="checkbox"/> 450 Commerce
<input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment	<input type="checkbox"/> 330 Federal Employers' Liability	<input type="checkbox"/> 640 R.R. & Truck	<input type="checkbox"/> 830 Patent	<input type="checkbox"/> 460 Deportation
<input type="checkbox"/> 151 Medicare Act	<input type="checkbox"/> 340 Marine	<input type="checkbox"/> 650 Airline Regs.	<input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations
<input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans)	<input type="checkbox"/> 345 Marine Product Liability	<input type="checkbox"/> 660 Occupational Safety/Health	<input type="checkbox"/> 480 Consumer Credit	<input type="checkbox"/> 490 Cable/Sat TV
<input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits	<input type="checkbox"/> 350 Motor Vehicle	<input type="checkbox"/> 690 Other	<input type="checkbox"/> 850 Selective Service	<input type="checkbox"/> 810 Securities/Commodities/ Exchange
<input type="checkbox"/> 160 Stockholders' Suits	<input type="checkbox"/> 355 Motor Vehicle Product Liability	<input type="checkbox"/> LABOR	<input type="checkbox"/> 861 HIA (1395f)	<input type="checkbox"/> 875 Customer Challenge 12 USC 3410
<input type="checkbox"/> 190 Other Contract	<input type="checkbox"/> 360 Other Personal Injury	<input type="checkbox"/> 710 Fair Labor Standards Act	<input type="checkbox"/> 862 Black Lung (923)	<input type="checkbox"/> 890 Other Statutory Actions
<input type="checkbox"/> 195 Contract Product Liability	<input type="checkbox"/> CIVIL RIGHTS	<input type="checkbox"/> 720 Labor/Mgmt. Relations	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 891 Agricultural Acts
<input type="checkbox"/> 196 Franchise	<input type="checkbox"/> 441 Voting	<input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act	<input type="checkbox"/> 864 SSID Title XVI	<input type="checkbox"/> 892 Economic Stabilization Act
<input type="checkbox"/> REAL PROPERTY	<input type="checkbox"/> 442 Employment	<input type="checkbox"/> 740 Railway Labor Act	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 893 Environmental Matters
<input type="checkbox"/> 210 Land Condemnation	<input type="checkbox"/> 443 Housing/ Accommodations	<input type="checkbox"/> 790 Other Labor Litigation	<input type="checkbox"/> FEDERAL TAX SUITS	<input type="checkbox"/> 894 Energy Allocation Act
<input type="checkbox"/> 220 Foreclosure	<input type="checkbox"/> 444 Welfare	<input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 895 Freedom of Information Act
<input type="checkbox"/> 230 Rent Lease & Ejectment	<input checked="" type="checkbox"/> 445 Amer. w/Disabilities - Employment		<input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice
<input type="checkbox"/> 240 Torts to Land	<input type="checkbox"/> 446 Amer. w/Disabilities - Other			<input type="checkbox"/> 950 Constitutionality of State Statutes
<input type="checkbox"/> 245 Tort Product Liability	<input type="checkbox"/> 440 Other Civil Rights			
<input type="checkbox"/> 290 All Other Real Property				

**V. ORIGIN**

(Place an "X" in One Box Only)

- |   |   |  |   |  |   |  |
|---|---|--|---|--|---|--|
| <input checked="" type="checkbox"/> 1 Original Proceeding | <input type="checkbox"/> 2 Removed from State Court | <input type="checkbox"/> 3 Remanded from Appellate Court | <input type="checkbox"/> 4 Reinstated or Reopened | <input type="checkbox"/> 5 Transferred from another district (specify) _____ | <input type="checkbox"/> 6 Multidistrict Litigation | <input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judgment |
|---|---|--|---|--|---|--|

**VI. CAUSE OF ACTION**Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
Americans with Disabilities Act of 1990, 42 U.S.C. 12101 et seq.Brief description of cause:  
**DISABILITY DISCRIMINATION, FAILURE TO ACCOMMODATE, RETALIATION****VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DEMAND \$

ACCORDING TO PROOF

CHECK YES only if demanded in complaint:

JURY DEMAND:  Yes  No**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE

DOCKET NUMBER

DATE

11/20/2007

SIGNATURE OF ATTORNEY OF RECORD

V.J.T.

## FOR OFFICE USE ONLY

RECEIPT # 144714AMOUNT \$350

APPLYING IFP

JUDGE

MAG. JUDGE

S1 11/20/07

(R)